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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;
16 OTTOMOTTO LLC; OTTO TRUCKING
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL ITS MOTION IN LIMINE
#13 AND DEFENDANTS' RESPONSE**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its exhibits in support of its Motion in Limine #13, as well as Defendants’ Response and supporting materials (“Waymo’s Motion in Limine #13 Packet”). Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Exhibit 2	Entire document	Defendants
Defendants’ Response to Waymo’s MIL #13	Portions highlighted in green with red boxes	Waymo
	Portions highlighted in blue	Defendants
Defendants Ex. 31-32, 41, 47, 53, 54	Entire document	Waymo
Defendants Ex. 33, 45	Entire document	Defendants

I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. UBER’S CONFIDENTIAL INFORMATION

Waymo seeks to seal Waymo’s Ex. 2, Defendants’ Response to Waymo’s MIL #13 (portions highlighted in blue) and Defendants’ Ex. 33 and 45 because Defendants have designated the information confidential and/or highly confidential. Declaration of Lindsay Cooper (“Cooper Dec.”), ¶ 3. Waymo expects Defendants to file one or more declarations in accordance with the Local Rules. *Id.*

III. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION

The Court should seal the portions of Defendants’ Response to Waymo’s MIL #13 (portions highlighted in green) and Defendants’ Exs. 31-32, 41, 47, 53, 54 because it discloses Waymo’s confidential business information, including Waymo’s highly confidential analysis of competitors and

1 Waymo's highly confidential future business plans. *See* Cooper Dec., ¶ 4. Confidential business
2 information that, if released, may "harm a litigant's competitive standing" merits sealing. *See Nixon*
3 *v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598-99 (1978). Waymo seeks to seal confidential business
4 information that fits squarely within these categories. Cooper Dec. ¶ 4. Waymo maintains this
5 information with strict secrecy and security protocols (*see* Dkt. 25-47; Dkt. 25-49.). *Id.* Waymo has
6 narrowly tailored its requests to only information meriting sealing. *Id.* The disclosure of Waymo's
7 confidential business information would harm Waymo. Cooper Dec. ¶ 4. Thus, the Court should
8 grant Waymo's administrative motion to seal.

9 **IV. CONCLUSION**

10 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the
11 above listed documents accompany this Administrative Motion. For the foregoing reasons,
12 Waymo respectfully requests that the Court grant Waymo's Administrative Motion.

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14 DATED: September 13, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

15
16 By /s/ Charles Verhoeven

Charles Verhoeven
Attorneys for WAYMO LLC